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2000

MAGISTRATE JUDGE 2000

SNOW

CLERK, U.S. DISTRICT COURT

DEPUTY

00- 6335-CR-DMITROVICH

00-6335-CR-DMITROVICH / SALT

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

CR-N-00-0127-ECR (VPC)

Plaintiff,

v.

CONSENT TO TRANSFER OF CASE
FOR PLEA AND SENTENCE
(Under Rule 20)

JOSEPH J. IAVARONE, JR.,

Defendant.

I, JOSEPH J. IAVARONE, JR., defendant, have been informed that an Indictment is pending against me in the above designated cause. I wish to plead guilty to the offense charged, to consent to the disposition of the case in the Southern District of Florida, in which I reside and to have trial in the above captioned District.

Dated this 19th day of OCTOBER, 2000.

JOSEPH J. IAVARONE, JR.
Defendant

JAMES B. LEWIS
Counsel for Defendant

APPROVED

KATHRYN E. LANDRETH
United States Attorney

GUY LEWIS
United States Attorney

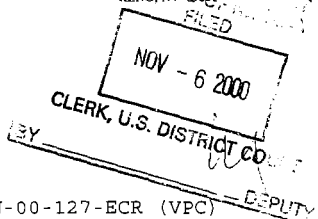
CRAIG S. DENNEY
Assistant United States Attorney
District of Nevada

DONALD CHASE
Assistant United States Attorney
Southern District of Florida

CERTIFIED TO BE A TRUE COPY
Clerk, United States District Court
By Deputy Clerk

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
DISTRICT OF NEVADALANCE S. WILSON
CLERK OF COURTBRUCE R. THOMPSON
FEDERAL BUILDING
& U.S. COURTHOUSE
ROOM: 301
400 S. Virginia Street
RENO, NV 89501

November 6, 2000

Clerk, U.S. District Court
Southern District of Florida
Federal Courthouse Square
301 North Miami Ave
Miami Florida, 33128-7788

RE: USA vs. JOSEPH J. IAVARONE, JR. CR-N-00-127-ECR (VPC) - DEPUTY

Dear Clerk:

Pursuant to Rule 20 of the Federal Rules of Criminal Procedure, enclosed are certified copies of the entire case file and docket, for the above named defendant.

No bond has been posted in this case. If you require anything further, please advise.

Please acknowledge receipt of the above documents by endorsement below on the enclosed copy of this letter. Thank you.

Sincerely,

LANCE S. WILSON, CLERK
WAYNE JULIANBy: Wayne Julian
Deputy Clerk-----
RECEIVED DATE:

ASSIGNED CASE #:

BY: _____
(Signature of Deputy Clerk)

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Clerk, United States District Court
By: *[Signature]*
Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

FILED
2000 OCT 23 AM 7:43
LANCE S. WILSON
CLERK
BY [Signature]

UNITED STATES OF AMERICA,) CASE NO. CR-N-00-0127-ECR (VPC)
)
Plaintiff(s),) MINUTES OF COURT
)
vs.) DATE: October 23, 2000
)
JOSEPH J. IAVARONE, JR.,)
)
Defendant(s).)
_____)

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

Deputy Clerk: Marti Campbell Reporter: None Appearing

Counsel for Plaintiff(s): None Appearing

Counsel for Defendant(s): None Appearing

MINUTE ORDER IN CHAMBERS XXX

The Court having been advised that counsel are in the process of transferring this action to Florida, where defendant resides, and at the request of Government's counsel,

IT IS HEREBY ORDERED that the initial appearance and arraignment and plea scheduled for Tuesday, October 24, 2000, at 3:00 p.m. is vacated and has been rescheduled for Tuesday, November 21, 2000, at 3:00 p.m. Counsel have been telephonically notified.

LANCE S. WILSON, CLERK

By: [Signature]
Marti Campbell, Deputy Clerk

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Clerk, United States District Court
By [Signature]
Deputy Clerk

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United States District Court

DISTRICT OF NEVADA

UNITED STATES OF AMERICA
V.

SUMMONS IN A CRIMINAL CASE

JOSEPH J. IAVARONE, JR.
999 WEST PROSPECT STREET, SUITE 23
OAKLAND PARK, FL

CR-N-00-0127-ECR-VPC

(Name and Address of Defendant)

YOU ARE HEREBY SUMMONED to appear before the United States District Court at the place, date and time set forth below.

Place BRUCE R. THOMPSON US COURTHOUSE AND FEDERAL BUILDING 400 SOUTH VIRGINIA STREET RENO, NEVADA 89501	Room Courtroom #1
Before: The Honorable Valerie P. Cooke, U.S. Magistrate Judge	Date and Time Tuesday, October 24, 2000 at 3:00 p.m.

To answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Violation Notice ☐ Probation Violation Petition

Charging you with a violation of Title 18 United States Code, Section(s) 1343; 1341; 2

Brief description of offense:

Wire Fraud (Counts 1-3);
Mail Fraud (Counts 4-5);
Aiding and Abetting (Counts 1-5)

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Clerk, United States District Court
By Leann [Signature]
Deputy Clerk



Signature of Issuing Officer [Signature]
ROBERT A. McQUAID, JR. US MAGISTRATE JUDGE
Name and Title of Issuing Officer

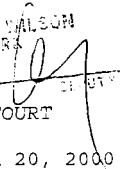
Date 9-20-00

FILED

2000 SEP 20 PM 4:16

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

LANCE S. WALSON
CLERK

BY  CLERK

IN THE MATTER OF THE PARTIAL)
REPORTS OF THE GRAND JURY FOR)
THE FEBRUARY 28, 2000 TERM)
_____)

MINUTES OF THE COURT

DATED: SEPTEMBER 20, 2000

PRESENT: HONORABLE ROBERT A. McQUAID, JR., U.S. MAGISTRATE JUDGE

Deputy Clerk: Rosemary Damron Reporter: Karen Bryson

U. S. Attorney by: Craig Dennev

PROCEEDINGS:

The roll of the Grand Jury is taken. There is a quorum; 19 Grand Jurors are present.

The foreperson of the Grand Jury presents its partial report and indictments (copy of report attached).

On motion of the United States Attorney, **IT IS ORDERED** that the said report and indictment/s be filed. There are no sealed indictments.

On motion of the United States Attorney,

IT IS ORDERED that the terms of release as to each defendant are fixed as indicated and that Bench Warrants or Summonses issue where indicated:

CR-N-00-126-DWH (VPC)

USA v. TOMAS BRITO-BETANCOURT

On Bond

USA v. CONSTANTINO CID-CIDZIHUA

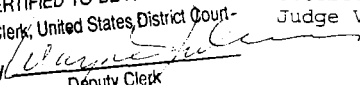
In Custody

Preliminary Examination set for 9/21/00 at 3:00 p.m. before Mag. Judge Robert A. McQuaid, Jr., in Courtroom #2, converts to Arraignment & Plea

CR-N-00-127-ECR (VPC)

USA v. JOSEPH J. IAVARONE, JR.

Summons to Issue - Initial Appearance and Arraignment & Plea set for Tuesday, October 24, 2000 at 3:00 p.m. before Mag. Judge Valerie P. Cooke, in Courtroom #1

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By 
Deputy Clerk



Page Two
Grand Jury Minutes
September 20, 2000

CR-N-00-128-HDM (VPC)

USA v. GERARDO RAMOS-RAMIREZ
Warrant to Issue

SUPERSEDING INDICTMENT
CR-N-00-097-DWH (VPC)

USA v. DENIS DUDE ILOFF
In Custody
Arraignment & Plea set for Tuesday,
September 26, 2000 at 3:00 p.m. before
Mag. Judge Valerie P. Cooke, Courtroom #1

SUPERSEDING INDICTMENT
CR-N-00-058-HDM (RAM)


USA v. HUMBERTO MAGANA ARIAS
In Custody
USA v. ROBERTO CARLOS R. RANGEL
On Bond
Arraignment & Plea set for Tuesday,
September 26, 2000 at 3:00 p.m. before
Mag. Judge Valerie P. Cooke, Courtroom #1

IT IS ORDERED that the Grand Jury report upon notice.

Grand Jury convened at 9:00 a.m.

Grand Jury adjourned at 12:35 p.m.

LANCE S) WILSON, CLERK


By: Rosemary Damron
Deputy Clerk

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT

OFFENSE CHARGED

Wire Fraud; Mail Fraud; Aiding and Abetting

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

Place of offense

Nevada

U.S.C. Citation

18:1343;1341;2

Name of District Court, and/or Judge/Magistrate Location (City)

USDC - NEVADA - RENO

DEFENDANT - U.S. vs.

JOSEPH J. LAVARONE, JR.

Address

Birth Date

☐ Male

☐ Alien

☐ Female

(if applicable)

(Optional unless a juvenile)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

SHOW
DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

MAGISTRATE
CASE NO.

DEFENDANT

IS NOT IN CUSTODY

- 1) ☒ Has not been arrested, pending outcome this proceeding
If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

☐ Fed'l ☐ State

Has detainer been filed?

☐ Yes
☐ No

If "Yes" give date filed

Mo.

Day

Year

DATE OF
ARREST

Or... if Arresting Agency & Warrant were not Federal

DATE TRANSFERRED
TO U.S. CUSTODY

Mo.

Day

Year

Name and Office of Person
Furnishing Information on
THIS FORM

Diana B. Smith

☒ U.S. Att'y

☐ Other U.S. Agency

Name of Asst. U.S. Att'y
(if assigned)

CRAIG S. DENNEY

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

CR-N-00-0127-ECR-VPC

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Clerk, United States District Court

By

Deputy Clerk

BY

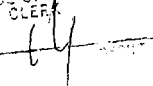
LAURENCE A. WILSON
CLERK

2000 SEP 20 PM 2:07

FILED

2

1 KATHRYN E. LANDRETH
United States Attorney
2 CRAIG S. DENNEY
Assistant United States Attorney
3 100 W. Liberty Street, Suite 600
Reno, Nevada 89501
4 (775) 784-5438

FILED
2000 SEP 20 PM 2:06
LANDRETH
CLERK
BY 

6
7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 -oOo-

CR-N-00-0127-ECR-VPC

10 UNITED STATES OF AMERICA,)

11 PLAINTIFF,)

12 VS.)

13 JOSEPH J. IAVARONE, JR.)

14 DEFENDANT.)

INDICTMENT FOR VIOLATIONS OF:
TITLE 18, UNITED STATES CODE,
SECTION 1343 - Wire Fraud
(Counts 1-3)


TITLE 18, UNITED STATES CODE,
SECTION 1341 - Mail Fraud
(Counts 4-5)

TITLE 18, UNITED STATES CODE.
SECTION 2 - Aiding and Abetting
(Counts 1-5)

15
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20 THE GRAND JURY CHARGES THAT:

21 INTRODUCTION

22 1. At all times relevant to this Indictment, **JOSEPH J.**
23 **IAVARONE, JR.**, was a resident of Oakland Park, Florida, and
24 participated in a fraudulent "rip and tear" telemarketing operation
25 and received and attempted to receive funds from the fraudulent
26 telemarketing activities.

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Clerk, United States District Court
By 
Députy Clerk

1 SCHEME AND ARTIFICE

2 2. Beginning no later than on or about July 17, 2000,
3 and continuing through on or about August 4, 2000, in the State and
4 Federal District of Nevada, **JOSEPH J. IAVARONE, JR.**, the defendant
5 herein, and other unknown defendants did knowingly devise and intend
6 to devise a scheme and artifice to defraud, and to obtain money and
7 property by means of false and fraudulent pretenses,
8 representations, and promises, and for the purpose of executing said
9 scheme and artifice, transmitted and caused to be transmitted by
10 means of wire communication in interstate commerce, certain signs,
11 signals, and sounds and through the use of the Postal Service, or
12 private, and commercial interstate carriers, which scheme and
13 artifice is more particularly described as follows:

14 METHOD AND MEANS TO DEFRAUD

15 3. It was part of the scheme and artifice that the
16 defendant **JOSEPH J. IAVARONE, JR.**, and other unknown defendants did
17 the following:

18 a. obtained information known as "leads" concerning
19 individuals who had been defrauded and treated unfairly by
20 telemarketing entities, and who, due to age or other condition, are
21 vulnerable and susceptible to further telemarketing fraud being
22 perpetrated upon them;

23 b. falsely and fraudulently contacted victims by
24 telephone and falsely told them that the caller was working on
25 behalf of a company named "S and L" and that large amounts of cash
26 were obtained and were being held for the victims; however, as a

1 prerequisite to receiving the cash, the victims must send money, in
2 the amount of \$5,000.00, up front as payment for taxes and fees;

3 c. falsely and fraudulently conducted a "lottery"
4 scheme by advising victims that after the victims paid money up
5 front for taxes and fees, money the victims had previously won for
6 a lottery, in the amount of \$1,500,000.00, were deposited with the
7 company's bank, "Holdings and Loans", and would be returned to the
8 victims;

9 d. used fictitious names when making telephone
10 calls to victims in order to conceal the caller's true identity from
11 the defrauded victims. Some of the phony names the caller used
12 included "Joey Harris" and "Jerry Harris."

13 e. falsely and fraudulently caused and induced
14 victims to send money by the Postal Service, and/or private and
15 commercial interstate carrier including, but not limited to, U.S.
16 Postal Service Express Mail and Federal Express; and

17 f. retrieved the money victims sent by overnight
18 interstate courier service.

19 4. The false and fraudulent representations and
20 omissions of material fact, which were made and caused to be made,
21 are set forth in paragraphs 5 and 6, below.

22 False and Fraudulent Pretenses, Representations, and Promises

23 5. To induce and entice the victims to provide money and
24 proceeds, the defendant **JOSEPH J. IAVARONE, JR.**, and other unknown
25 defendants knowingly made and caused to be made false and fraudulent
26 pretenses, representations, and promises, knowing at the time that

1 the pretenses, representations, and promises were false, which
2 included, but were not limited to, the following:

3 a. For payment of taxes and fees up front, usually
4 in the amount of \$5,000.00, the victims would receive a specified
5 amount of money, usually in the amount of \$1,500,000.00;

6 b. The caller was working with a company called
7 "S and L" and a bank called "Holdings and Loans";

8 c. The victim's check needed to be made payable to
9 "Joseph Iavarone" an IRS agent; and

10 d. The caller's true name was "Joey Harris" or
11 "Jerry Harris."

12 Omissions and Half-Truths

13 6. To induce and entice victims to provide money and
14 proceeds, the defendant **JOSEPH J. IAVARONE, JR.**, and unknown
15 defendants knowingly made and caused to be made omissions in the
16 solicitation which would and did conceal and omit to state material
17 facts which are necessary to prevent the representations and
18 promises from being misleading in light of the circumstances under
19 which they were made, including but not limited to, the following:

20 a. No money had been recovered by the defendant
21 **JOSEPH J. IAVARONE, JR.**, and the unknown defendants as lottery
22 winnings for the victims, and defendant **JOSEPH J. IAVARONE, JR.**, and
23 unknown defendants had no intention of paying said money;

24 b. The caller, **JOSEPH J. IAVARONE, JR.**, was not an
25 IRS agent and he was not authorized to collect taxes on behalf of
26 any government agency/service and did not intend to submit to any

1 government agency/service purported tax monies paid by the victims;

2 c. The caller, **JOSEPH J. IAVARONE, JR.**, was not a
3 representative of company name "S and L" or a bank named "Holdings
4 and Loans";

5 d. The caller's true name was **JOSEPH J. IAVARONE,**
6 **JR.**, not Joey Harris or Jerry Harris; and

7 e. The victims were contacted as part of a scheme
8 to defraud.

9 **COUNT ONE**
10 TITLE 18, UNITED STATES CODE, SECTIONS 1343 & 2 -
Wire Fraud; Aiding and Abetting

11 7. Paragraphs 1 through 6 of the Introduction above are
12 incorporated herein by reference as if set forth in full.

13 8. On or about July 21, 2000, in the State and Federal
14 District of Nevada, and elsewhere,

15 **JOSEPH J. IAVARONE, JR.**,
16 the defendant herein, for the purpose of executing the scheme and
17 artifice, knowingly caused to be transmitted by means of wire
18 communication in interstate commerce, certain signs, signals, and
19 sounds, that is telephone call from Oakland Park, Florida, to Melvin
20 White in Reno, Nevada, all in violation of Title 18, United States
21 Code, Sections 1343 and 2.

22 / / /

23 / / /

24 / / /

25

26

1 COUNT TWO

2 TITLE 18, UNITED STATES CODE, SECTIONS 1343 & 2 -
3 Wire Fraud; Aiding and Abetting

4 9. Paragraphs 1 through 6 of the Introduction above are
5 incorporated herein by reference as if set forth in full.

6 10. On or about July 24, 2000, in the State and Federal
7 District of Nevada, and elsewhere,

8 **JOSEPH J. IAVARONE, JR.,**

9 the defendant herein, for the purpose of executing the scheme and
10 artifice, knowingly caused to be transmitted by means of wire
11 communication in interstate commerce, certain signs, signals, and
12 sounds, that is telephone calls from Oakland Park, Florida, to
13 Melvin White in Reno, Nevada, all in violation of Title 18, United
14 States Code, Sections 1343 and 2.

15 COUNT THREE

16 TITLE 18, UNITED STATES CODE, SECTIONS 1343 & 2 -
17 Wire Fraud; Aiding and Abetting

18 11. Paragraphs 1 through 6 of the Introduction above are
19 incorporated herein by reference as if set forth in full.

20 12. On or about July 28, 2000, in the State and Federal
21 District of Nevada, and elsewhere,

22 **JOSEPH J. IAVARONE, JR.,**

23 the defendant herein, for the purpose of executing the scheme and
24 artifice, knowingly caused to be transmitted by means of wire
25 communication in interstate commerce, certain signs, signals, and
26 sounds, that is telephone call from Oakland Park, Florida, to Ana
Warner in Reno, Nevada, all in violation of Title 18, United States
Code, Sections 1343 and 2.

1 COUNT FOUR

2 TITLE 18, UNITED STATES CODE, SECTIONS 1341 & 2 -
3 Mail Fraud; Aiding and Abetting

4 13. Paragraphs 1 through 6 of the Introduction above are
5 incorporated herein by reference as if set forth in full.

6 14. On or about July 24, 2000, in the State and Federal
7 District of Nevada and elsewhere,

8 **JOSEPH J. IAVARONE, JR.,**

9 the defendant herein, and unknown defendants, for the purpose of
10 executing the scheme and artifice, and attempting to do so,
11 knowingly caused to be delivered by the Postal Service, private or
12 commercial interstate carrier, mail matter, according to the
13 directions thereon, to wit: U.S. Priority Mail package from Melvin
14 White of 6015 South Virginia Street, Reno, Nevada, to 999 West
15 Prospect Road, Suite 23, Oakland Park, Florida 33309, all in
16 violation of Title 18, United States Code, Sections 1341 and 2.

17 COUNT FIVE

18 TITLE 18, UNITED STATES CODE, SECTIONS 1341 & 2 -
19 Mail Fraud; Aiding and Abetting

20 15. Paragraphs 1 through 6 of the Introduction above are
21 incorporated herein by reference as if set forth in full.

22 16. On or about August 1, 2000, in the State and Federal
23 District of Nevada and elsewhere,

24 **JOSEPH J. IAVARONE, JR.,**

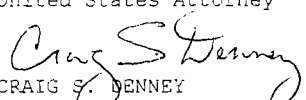
25 the defendant herein, and unknown defendants, for the purpose of
26 executing the scheme and artifice, and attempting to do so,
27 knowingly caused to be delivered by the United States Postal

1 Service, mail matter, according to the directions thereon, to wit:
2 U.S. Express Mail package from Ana Warner of Reno, Nevada, to Joseph
3 Iavarone, 999 West Prospect Road, Suite 23, Oakland Park, Florida
4 33309, all in violation of Title 18, United States Code, Sections
5 1341 and 2.

6 DATED: this 22 day of September 2000.

7 A TRUE BILL:

8 
9 FOREPERSON OF THE GRAND JURY

10 KATHRYN E. LANDRETH
11 United States Attorney
12 
13 CRAIG S. DENNEY
14 Assistant United States Attorney
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CLOSED

CR-NV-00-00127-01-ECR (VHC)

Page 1

DATE FILED: 09/30/00 DISTRICT: 0978 COUNTY: 32031
DATE CLERK: / / TYPE: J WRIT: N JUV: N ALIAS: N

1. CHARGE	CNT #	# OF CNT
18:1043.F Wire Fraud	1-3	3
18:1041.F Mail Fraud	4-5	2
18:2 Aiding and Abetting	1-5	5

II. UPPER	ATTORNEY
103 Plaintiff	CRAIG S. DENNEY, AUSA 100 W Liberty St, Ste 600 Reno NV 89501 (775) 784-5438 (775) 784-5181

III. LOWER	ATTORNEY
14ARCNE, JOSEPH J. JR. Defendant	

CERTIFIED TO BE A TRUE COPY
Clerk, United States District Court
By *Christina M. [Signature]*
Deputy Clerk

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs

JOSEPH J. IAVARONE, JR

CR-N-00-127-ECR (VPC)

AO 256A

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
9/20/00	1 INDICTMENT re IAVARONE (AT) wj				
--	2 AO-257 re IAVARONE wj (AT)				
--	- JS-2 (AT) wj				
--	3 GRAND JURY MINUTES dtd 9/20/00 (RAM) ORD indcts fld; no sealed indcts; Summons to Issue; I/A and A&P set 10/24/00 3pm bef VPC; (C/R Karen Bryson) cps dist wj (AT)				
--	- SUMMONS issd for 10/24/00, 3pm bef VPC for IA and A&P				
10/23/00	4 MINUTE/ORDER: (Re: D. IAVARONE, Jr.) (VPC) ORD crt hvng been advised tht cnsl are in process of transferring case to FL, where D resides & at the req of gov't cnsl ORD initial appearance & A&P sched for 10/24/00 @ 3:00 pm vacated & resched for 11/21/00 @ 3:00 pm. Cnsl hv been telephonically notified. Cps dist. (AT) mke *mid 10/25/00*				
10/30/00	5 CONSENT to transf case purs to Rule 20 to Southern Dist of Florida.				
11/6/00	6 TRANSMITTAL LETTER (cpy) frm Clk USDC, to Clk USDC SDist of Florida transf case w/CC of entire file, Dkt sheet, etc. this date. (Code 113C)				

Interval Start Date End Date Ltr. Total Code Days